

## **REMARKS**

In the Final Office Action, the Examiner approved the drawings, rejected claims 17 and 25 under the second paragraph of section 112, rejected claims 1 – 3, 5 – 9, 11 and 13 as anticipated by the Tockweiler reference, rejected claims 4, 10, 12, 14, 16, 17, 20, 24, 25 and 28 as obvious over Tockweiler in view of Platte and Lussi, rejected claims 15, 21, 23 and 29 as obvious over Tockweiler in view of Welling, rejected claims 18, 19, 22, 26, 27 and 30 as obvious over Tockweiler in view of Roberts, and cited additional art of record.

### **Telephone Interview**

Applicant thanks the Examiner for the courtesies extended to Applicant's representative in a telephone interview on December 6, 2006. Prior to the telephone interview, a paper setting forth discussion points for discussion was forwarded to the Examiner. The proposed claim amendments described in the discussion points were discussed as they related to the references cited in the final office action.

Applicant respectfully disagrees with the position of the Examiner stated in the Interview and the Interview Summary that the electrical plugs that are not completely plugged in would lead the person of ordinary skill to provide a contact rail and support rail with a plurality of arbitrary positions. The invention as claimed is not suggested by such prior art nor within the scope of the person of ordinary skill without first learning of the present invention.

### **35 UCS §112, 2<sup>nd</sup> ¶**

Claims 17 and 25 have been amended to claim "said contact rail", thereby providing antecedent basis from the claimed term in claims 1 and 7, respectively. Applicant submits that the rejection is thereby overcome.

### **35 USC §102(b)**

The **Tockweiler** reference discloses a wireless footswitch beneath an operating table for operating a medical apparatus, such as a high frequency surgical apparatus that is positioned along side the operating table. To ensure that the wireless signal is reliably received, the signal is coded. The surgeon is able to control the surgical apparatus without

being hindered by cables and feed lines. The foot switch is rechargeable by two charging connections 28 that are connected to counter-connections 29 when a hoop 25 is hooked onto a hook shaped holder 24 of the receiver 16. The specification describes the transmitter as being charged when it its holder at the receiving station during non-use, see col. 3, line 10; col. 3, line 37, and col. 4, line 42.

The claimed invention distinguishes over the Tockweiler reference. Tockweiler does not show an elongated contact rail and an elongated support rail as claimed, and so the claims distinguish over the reference. Tockweiler does not show positioning the remote control at a plurality of elongated positions, and so the claims distinguish over the reference. Tockweiler does not show the using the remote control to control the technical device at the arbitrary locations, and so the claims distinguish over Tockweiler.

### **35 USC §103(a)**

**Platte et al.** disclose a television remote control having a reduced number of buttons whose functions are indicated by transparent switches over display elements. The remote control may be stored in a receptacle in the housing of the television. In col. 5 line 53 to col. 6, line 4, is provided that the remote control can be powered from operating current from the television received through a strip of plugs. The battery in the remote control can also be charged.

No elongated contact rails are shown. No elongated support rails are shown.

**Luessi** discloses an operating table with tilt control, and generally shows a remote control for operating the table. No mounting of the remote control is shown.

**Welling et al.** discloses a mattress having a retractable foot section for a hospital bed. A wireless remote control is shown in Figure 74. The patent notes that the wireless remote can be coupled to the side rails, footboard or headboard of the bed. A corded control is shown in Figures 76 – 78. This corded remote is slidable along an opening in the side rail of the bed. The controller has concave surfaces that complement the rails of the bed, as shown in Figure 77. The text describes positioning the controller at several different positions according to patient size, the patient positioning the controller to a location convenient to that patient.

No elongated contact rails are shown.

**Roberts** shows a system for recharging the batteries of cordless tools or speaker units. An elongate magnetic strip is positioned between electrically conductive rails that are connected to electrical power. The housing of the speaker units has a slot in the back that is fit onto the rails to magnetically couple the speaker units to the rail so as to provide electrical contact and thus charging of the speaker units. The rechargeable or cordless devices of **Roberts** are for remote use away from the charger. The reference teaches a plurality of cordless speakers lined up on the rail for charging.

A separate support rail and contact rail is not shown.

By contrast, the present invention as defined in the claims provides several features not shown in the art. For example, and as defined in different claims presented hereinabove, the support rail and contact rails are elongated. The remote control is mountable at arbitrary locations along the rails. The support rail and contact rail are separate and spaced from one another. The rails are claimed as extending substantially along the length of the technical device. The elements are shaped and disposed so that gravity causes the contact and the contact rail to be brought together. The support rail permits the rotation of the remote control thereon. The contact is arranged to move into effective connection with the contact rail on the underside of the technical device. The contact elements extend into slots in the contact rail.

The disclosure for the claimed features is found in the specification, for example, on page 6, lines 5 to 18, the passage beginning on page 7, line 12, to page 8, line 22, on page 10, lines 7 to 16, and on page 11, lines 12 to 17, as well as by the illustrated embodiments of Figures 1 and 2. The claim amendments are thereby supported by the application as filed.

The features of the claimed invention are not shown or suggested in the prior art, whether taken alone or in combination. Even the combination does not obviate the invention. As such, allowance of the claimed invention is submitted to be in order.

Applicant notes that the Examiner cites the patent numbers of the **Welling et al.** and **Roberts** references with leading zeros while the **Tockweiler**, **Platte** and **Lussi** references are cited without leading zeros. Applicant is unable to distinguish the meaning of this different citations. Clarification is requested.

## Conclusion

Applicant respectfully requests reconsideration of the election requirement, and favorable consideration and allowance of the present application.

Respectfully submitted,



Melvin A. Robinson (Reg. No. 31,870)

Schiff Hardin LLP

Patent Department

6600 Sears Tower

Chicago, Illinois 60606

Telephone: 312-258-5785

**CUSTOMER NO. 26574**

ATTORNEY FOR APPLICANT

## CERTIFICATE OF MAILING

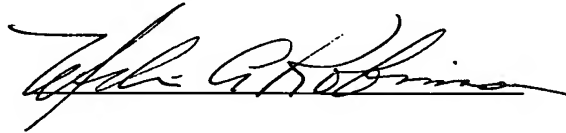
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

on January 17, 2007.



CH1\4770747.1